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10/814,368	03/31/2004	Stephen R. Lawrence	24207-10083	7762
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,368	LAWRENCE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimberly Lovel	2167	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. This communication is in response to the Amendment filed 2 February 2007.
2. Claims 1-39 are pending in this current application. Claims 1, 22, 25, 36 and 38 are independent. In the Amendment filed 2 February 2007, claims 1, 3, 4, 8, 9, 12, 13, 15, 18-37 were amended and claims 38 and 39 were added. This action is made Final.

***Claim Objections***

3. The objections to claims 8, 24, 25, 27, 29, 30, 36 and 37 have been withdrawn as necessitated by amendment.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The rejections of claims 1-11 and 14-24 under 35 U.S.C. 101 have been withdrawn and the rejections of claims 25-37 under 35 U.S.C. 101 have been maintained.
5. Claims 25-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claims 25-37** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed toward "a computer-readable tangible medium" which "causes operations to be performed," and are non-

statutory because they encompass subject matter and/or embodiments which do not fall within a statutory category.

The meaning of "computer-readable medium" as disclosed in the Specification, paragraph [0012], lines 1-4, covers non-statutory embodiments which improperly include network transmission lines (interpreted as wired and wireless transmission), wireless transmission media, signals propagating through space, radio waves, infrared signals, etc.

According to MPEP 2106:

There is always some form of physical transformation within a computer because a computer acts on signals and transforms them during its operation and changes the state of its components during the execution of a process. Even though such a physical transformation occurs within a computer, such activity is not determinative of whether the process is statutory because such transformation alone does not distinguish a statutory computer process from a nonstatutory computer process. What is determinative is not how the computer performs the process, but what the computer does to achieve a practical application. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-6, 8, 17-20, 22, 23, 25, 27, 33-36, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by US PGPub 20020016786 to Pitkow et al (hereafter Pitkow).**

**Referring to claim 1,** Pitkow discloses a method comprising:

receiving a search query [initial key word query] comprising a first search term from a user (see [0129], lines 11-15);

receiving a first user search attribute and a second user search attribute from a user profile associated with the user (see [0129], lines 11-14 and 23-28);

deriving a second search term from the first user search attribute (see [0123], lines 12-18 and [0129], lines 11);

processing the search query based on the second search term to generate a processed search query [augmented query] (see [0129], lines 17-20);

receiving a search result generated in response to the processed search query (see [0129], lines 20-23);

modifying [re-ranking] the search result based on the second user search attribute to generate a modified search result (see [0129], lines 23-28); and returning the modified search result to the user (see [0129], lines 29-30).

**Referring to claim 2,** Pitkow discloses the method of claim 1, wherein processing the search query comprises modifying the search query to include the second search term (see [0123], lines 12-18).

**Referring to claim 3,** Pitkow discloses the method of claim 1, wherein modifying the search result comprises processing the search result based on the second search term [results are returned based on the augmented query; the augmented query contains the second search term] (see [0123], lines 30-35).

**Referring to claim 4,** Pitkow discloses the method of claim 1, wherein modifying the search result comprises sorting [re-ranking or re-ordering] the search result based on the second user search attribute (see [0129], lines 23-27).

**Referring to claim 5,** Pitkow discloses the method of claim 1, wherein the search query comprises an implicit search query [augmented query] (see [0123], lines 5-8).

**Referring to claim 6,** Pitkow discloses the method of claim 1, wherein the search query comprises an explicit search query [initial query] (see [0123], lines 8-12).

**Referring to claim 8,** Pitkow discloses the method of claim 1, wherein processing the search query comprises adding the second search term to the search query (see [0123], lines 12-18).

**Referring to claim 17,** Pitkow discloses the method of claim 1, wherein the user profile comprises a data store [profile file] (see [0119], lines 1-5).

**Referring to claim 18,** Pitkow discloses the method of claim 17, wherein the data store comprises at least one selected from a group consisting of a file [profile file] and a database (see [0119], lines 1-5).

**Referring to claim 19,** Pitkow discloses the method of claim 1, wherein the first user search attribute comprises a category [computer programming category] (see [0123], lines 12-18).

**Referring to claim 20,** Pitkow discloses the method of claim 1, wherein the second user search attribute comprises a user preference (see [0126], lines 1-13 and [0129], lines 23-28).

**Referring to claim 22,** Pitkow discloses a method comprising:

- receiving a search query [initial key word query] comprising a first search term from a user (see [0129], lines 11-15);
- receiving a first user search attribute and a second user search attribute from a user profile associated with the user (see [0129], lines 11-14 and 23-28);
- processing the search query based on the first user search attribute to generate a processed search query [augmented query] (see [0129], lines 17-20);
- receiving a search result generated in response to the processed search query (see [0129], lines 20-23);
- modifying [re-ranking] the search result based on the second user search attribute to generate a modified search result (see [0129], lines 23-28); and
- returning the modified search result to the user (see [0129], lines 29-30).

**Referring to claim 23,** Pitkow discloses the method of claim 22, wherein the first user search attribute identifies a level of interest in a category (see [0123], lines 12-18).

**Referring to claim 25,** Pitkow discloses a computer-readable tangible medium on which is encoded program code, the program code comprising:

program code for receiving a search query [initial key word query] comprising a first search term from a user (see [0129], lines 11-15);

program code for receiving a first user search attribute and a second user search attribute from a user profile associated with the user (see [0129], lines 11-14 and 23-28);

program code for deriving a second search term from the first user search attribute (see [0123], lines 12-18 and [0129], lines 11);

program code for processing the search query based on the second search term to generate a processed search query [augmented query] (see [0129], lines 17-20);

program code for receiving a search result generated in response to the processed search query (see [0129], lines 20-23);

program code for modifying [re-ranking] the search result based on the second user search attribute to generate a modified search result (see [0129], lines 23-28); and

program code for returning the modified search result to the user (see [0129], lines 29-30).

**Referring to claim 27,** Pitkow discloses the computer-readable tangible medium of claim 25, wherein program code for processing the search query comprises program code for adding the second search term to the search query (see [0123], lines 12-18).

**Referring to claim 33,** Pitkow discloses the computer-readable tangible medium of claim 25, wherein program code for processing the search query comprises program code for modifying the search query to include the second search term (see [0123], lines 12-18).

**Referring to claim 34,** Pitkow discloses the computer-readable tangible medium of claim 25, wherein program code for modifying the search result comprises program code for processing the search result based on the second search term [results are returned based on the augmented query; the augmented query contains the second search term] (see [0123], lines 30-35).

**Referring to claim 35,** Pitkow discloses the computer-readable tangible medium of claim 25, wherein program code for modifying the search result comprises sorting [re-ranking or re-ordering] the search result (see [0129], lines 23-27).

**Referring to claim 36,** Pitkow discloses a computer-readable medium on which is encoded program code, the program code comprising:

program code for receiving a search query [initial key word query] comprising a first search term from a user (see [0129], lines 11-15);

program code for receiving a first user search attribute and a second user search attribute from a user profile associated with the user (see [0129], lines 11-14 and 23-28);

program code for processing the search query based on the first user search attribute to generate a processed search query [augmented query] (see [0129], lines 17-20);

program code for receiving a search result generated in response to the processed search query (see [0129], lines 20-23);  
program code for modifying [re-ranking] the search result based on the second user search attribute to generate a modified search result (see [0129], lines 23-28); and  
program code for returning the modified search result to the user (see [0129], lines 29-30).

**Referring to claim 38,** Pitkow discloses a method comprising:  
receiving a search query [initial key word query] comprising a first search term from a user (see [0129], lines 11-15);  
receiving a user search attribute from a user profile associated with the user (see [0129], lines 11-14 and 23-28);  
automatically deriving a second search term from the first user search attribute without user intervention (see [0123], lines 12-18 and [0129], lines 11);  
processing the search query based on the second search term to generate a processed search query [augmented query] (see [0129], lines 17-20);  
receiving a search result generated in response to the processed search query (see [0129], lines 20-23);  
returning the modified search result to the user (see [0129], lines 29-30).

**Referring to claim 39,** Pitkow discloses the method of claim 38, wherein automatically deriving a second search term further comprises automatically selecting a term from the user search attribute as the second search term without user intervention (see [0123], lines 12-18 and [0129], lines 11).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 9-13 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20020016786 to Pitkow et al as applied respectively to claims 1 and 25 above, and further in view of US PGPub 2002/0099700 to Li (hereafter Li).**

Referring to claim 9, Pitkow discloses transmitting a search query to a search engine (see abstract). However, Pitkow fails to explicitly disclose the further limitation wherein the search engine is associated with an index. Li also discloses a transmitting a query to a search engine [focused search engine] (see [0028], lines 1-4), including the

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further limitation wherein the search engine associated with an index (see [0031], lines 1-3) in order to provide a search engine the capability of searching the web.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of a search engine being associated with an index as disclosed by Li as the search engine of Pitkow. One would have been motivated to do in order to provide a search engine the capability of searching the web since web pages are generally categorized and indexed (Pitkow: see [0015], lines 5-6).

**Referring to claim 10,** the combination of Pitkow and Li (hereafter Pitkow/Li) disclose the method of claim 9, wherein the index comprises a local index [local analysis] (Li: see [0057]).

**Referring to claim 11,** Pitkow/Li discloses the method of claim 9, wherein the index comprises a global index [global analysis] (Li: see [0057]).

**Referring to claim 12,** Pitkow/Li discloses the method of claim 9, further comprising receiving a result set [web pages] from the search engine, the result set comprising a plurality of article identifiers [URL, title, body, link, anchor, highlighted words special fonts, meta keywords, meta descriptions] (Li: see [0031], lines 9-14).

**Referring to claim 13,** Pitkow/Li discloses the method of claim 12, further comprising ranking the article identifiers [categories] based at least in part on the user search attribute [additional keywords] (Li: see [0066]).

**Referring to claim 28,** Pitkow discloses transmitting a search query to a search engine (see abstract). However, Pitkow fails to explicitly disclose the further limitation wherein the search engine is associated with an index. Li also discloses a transmitting

a query to a search engine [focused search engine] (see [0028], lines 1-4), including the further limitation wherein the search engine associated with an index (see [0031], lines 1-3) in order to provide a search engine the capability of searching the web.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of a search engine being associated with an index as disclosed by Li as the search engine of Pitkow. One would have been motivated to do in order to provide a search engine the capability of searching the web since web pages are generally categorized and indexed (Pitkow: see [0015], lines 5-6).

**Referring to claim 29,** Pitkow discloses a method for expanding a query. However, Pitkow fails to explicitly disclose the further limitation wherein the method further comprises receiving a result set from the search engine, the result set comprising a plurality of article identifiers. Li also discloses expanding a query including the further limitation wherein the method further comprises receiving a result set [web pages] from the search engine, the result set comprising a plurality of article identifiers [URL, title, body, link, anchor, highlighted words special fonts, meta keywords, meta descriptions] (Li: see [0031], lines 9-14) since article identifiers serve as mechanisms for identifying and locating a particular page.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature associating article identifiers with result sets as disclosed by Li with the search engine of Pitkow. One would have been motivated to do in order to increase the usability of results returned to a user since article identifiers

serve as mechanisms for identifying and locating a particular page (Li: see [0031], lines 14-17).

**Referring to claim 30,** Pitkow/Li discloses the computer-readable medium of claim 25, further comprising program code for ranking the article identifiers [categories] based at least in part on the user search attribute [additional keywords] (Li: see [0066]).

**10. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20020016786 to Pitkow et al as applied respectively to claims 1 and 25 above, and further in view of US PGPub 2004/0059564 to Zhou (hereafter Zhou).**

**Referring to claim 7,** Pitkow discloses processing the search query. However, Pitkow fails to explicitly disclose the further limitation wherein processing the search query comprises replacing the first search term with the second search term. Zhou also processing a search query through query expansion (see abstract), including the further limitation wherein processing the search query comprises replacing the first search term [user's query 605] with the second search term [entries in the confusion set database that match entries in the user's query] (see [0099], lines 1-14) in order to increase the efficiency and accuracy of returned search results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of replacing the first search term with the second search term as disclosed by Zhou with the method of Pitkow for processing search queries. One would have been motivated to do so in order to increase the

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efficiency and accuracy of returned search results by eliminating keywords in the search query that return undesired results.

**Referring to claim 26,** Pitkow discloses processing the search query. However, Pitkow fails to explicitly disclose the further limitation wherein processing the search query comprises replacing the first search term with the second search term. Zhou also processing a search query through query expansion (see abstract), including the further limitation wherein processing the search query comprises replacing the first search term [user's query 605] with the second search term [entries in the confusion set database that match entries in the user's query] (see [0099], lines 1-14) in order to increase the efficiency and accuracy of returned search results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of replacing the first search term with the second search term as disclosed by Zhou with the program code of Pitkow for processing search queries. One would have been motivated to do so in order to increase the efficiency and accuracy of returned search results by eliminating keywords in the search query that return undesired results.

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**11. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20020016786 to Pitkow et al as applied respectively to claims 1 and 25 above, and further in view of US Patent No 6,850,934 to Bates et al (hereafter Bates et al).**

**Referring to claim 14,** Pitkow discloses a method of processing a query. However, Pitkow fails to explicitly disclose the further limitation of adding the first search term to the user profile. Bates et al also disclose processing a query (see abstract), including the further limitation of adding the first search term [search words] to the user profile [profile data structure] (see column 8, lines 51-56) in order to increase the efficiency and accuracy of subsequent searches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize feature disclosed by Bates et al for adding a search term to a user profile with the method of Pitkow for processing the query. One would have been motivated to do so in order to increase the efficiency and accuracy of subsequent searches.

**Referring to claim 31,** Pitkow discloses a computer program for processing a query. However, Pitkow fails to explicitly disclose the further limitation of adding the first search term to the user profile. Bates et al also disclose processing a query (see abstract), including the further limitation of adding the first search term [search words] to the user profile [profile data structure] (see column 8, lines 51-56) in order to increase the efficiency and accuracy of subsequent searches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize feature disclosed by Bates et al for adding a search term to a user profile with the computer program of Pitkow for processing the query. One would have been motivated to do so in order to increase the efficiency and accuracy of subsequent searches.

**12. Claims 15, 16, 21, 24, 32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20020016786 to Pitkow et al as applied respectively to claims 1, 22, 25 and 36 above, and further in view of US PGPub 2004/0267700 to Dumais et al (hereafter Dumais et al).**

Referring to claim 15, Pitkow discloses a method for processing a query. However, Pitkow fails to explicitly disclose the further limitation of identifying a user based on user activity. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of identifying the user based in part on a user activity [saving, reading, editing, copying hovering on information, selecting information, manipulating information and/or deleting files] (see [0031]) in order to adapt user profiles to changes in the interests of user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying a user based on user activity with the method of Pitkow. One would have been motivated to do so in order to have the ability to adapt user profiles to changes in interests of the user.

**Referring to claim 16,** the combination of Pitkow and Dumais et al (hereafter Pitkow/Dumais) discloses the method of claim 15, wherein the user activity comprises at least one of a typing pattern and a mouse movement [user commands can be received from a mouse] (see [0032] and [0040], lines 15-16).

**Referring to claim 21,** Pitkow discloses a user search attribute. However, Pitkow fails to explicitly disclose the further limitation wherein the first user search attribute comprises a user activity. Dumais et al disclose a user search attribute (see [0029]), including the further limitation wherein the first user search attribute comprises a user activity (see [0031]) in order to provide search results that have the ability to adapt to changes in interests of the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying a user based on user activity as the search attribute of Pitkow. One would have been motivated to do so in order to provide search results that have the ability to adapt to changes in interests of the user.

**Referring to claim 24,** Pitkow discloses a method for processing a query. However, Pitkow fails to explicitly disclose the further limitation of marking the user search engine for identification by the search engine. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of marking the user search engine for identification by the search engine (see [0029]) in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying the user search engine with the method of Pitkow. One would have been motivated to do so in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources.

**Referring to claim 32,** Pitkow discloses a program code for processing a query. However, Pitkow fails to explicitly disclose the further limitation of identifying a user based on user activity. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of identifying a user associated with the user profile based in part on a user activity [saving, reading, editing, copying hovering on information, selecting information, manipulating information and/or deleting files] (see [0031]) in order to adapt user profiles to changes in the interests of user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying a user based on user activity with the program code of Pitkow. One would have been motivated to do so in order to have the ability to adapt user profiles to changes in interests of the user.

**Referring to claim 37,** Pitkow discloses a computer program for processing a query. However, Pitkow fails to explicitly disclose the further limitation of marking the user search engine for identification by the search engine. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of marking the user search engine for identification by the search engine (see [0029]) in order to

create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying the user search engine with the computer program of Pitkow. One would have been motivated to do so in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources.

***Response to Arguments***

13. In regards to the arguments on pages 12-13 regarding the 35 U.S.C. 101 rejection of claims 25-37, the amendment fails to overcome the 101 rejection. A computer-readable tangible medium is not defined in the specification. It is suggested that the term "tangible" be changed to "storage."
14. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel  
Examiner  
Art Unit 2167

13 April 2007  
kml



JOHN COTTINGHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100